

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

LORRAINE M MAEDCHE
420 S 10TH ST
CLARINDA IA 51632

NORTHWEST SERVICES INC
624 W TORRANCE
MARYVILLE MO 64468

Appeal Number: 04A-UI-01994-B4T
OC: 12/21/03 R: 01
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-3-a – Whether claimant refused to accept suitable work.

STATEMENT OF THE CASE:

Lorraine M. Maedche appealed from an unemployment insurance decision dated February 20, 2004, reference 03, that held, in effect, the claimant was not eligible to receive unemployment insurance benefits because the records indicated she refused to accept suitable work with Northwest Services, Inc., on January 6, 2004. Unemployment insurance benefits were denied.

A telephone conference hearing was scheduled and held on March 19, 2004. Lorraine M. Maedche participated. Dennis Thompson, Manager at the Northwest Services office in Maryville, Missouri, participated for the employer.

Official notice was taken of the unemployment insurance decision bearing, reference 03, together with the pages attached thereto (5 pages in all).

FINDINGS OF FACT:

The administrative law judge, having examined the entire record in this matter, finds that: Northwest Services, Inc., operates a temporary employment agency in Maryville, Missouri. Lorraine M. Maedche was employed in November 2003. The claimant accepted a job assignment with Energizer in Maryville, Missouri on November 19, 2003, and worked through December 19, 2003 as a production worker. The claimant filed an initial claim for benefits having an effective date of December 21, 2003. The claimant's weekly benefit amount was determined to be \$126.00 per week. The claimant's average weekly wage was determined to be \$224.35. On January 6, 2004, the claimant held a conversation with an individual named Jennifer or Cherish Carrigan. The claimant was offered a job with La Queed, a company located in Maryville, Missouri. The wages offered are found to be \$8.50 per hour for a 40-hour workweek. The claimant contended the wages were \$7.65 per hour.

The claimant refused to accept the offer of work because she had no transportation from her home in Clarinda, Iowa to the job site location in Maryville, Missouri. The claimant, however, had worked in Maryville, Missouri on several other occasions following June 4, 2003. The claimant worked at Energizer from November 19 through December 19, 2003 in Maryville, Missouri and had accepted other employment in February and March at Energizer in Maryville, Missouri. The claimant also contended that the job duties were not acceptable to her, but no justifiable reason was established.

The claimant refused the job offer of work with La Queed at \$8.50 per hour on January 6, 2004. The record also indicates the claimant was provided additional job offers with Federal Mogall at \$8.00 per hour, which she also refused.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code Section 96.5-3-a provides:

An individual shall be disqualified for benefits:

3. Failure to accept work. If the department finds that an individual has failed, without good cause, either to apply for available, suitable work when directed by the department or to accept suitable work when offered that individual. The department shall, if possible, furnish the individual with the names of employers which are seeking employees. The individual shall apply to and obtain the signatures of the employers designated by the department on forms provided by the department. However, the employers may refuse to sign the forms. The individual's failure to obtain the signatures of designated employers, which have not refused to sign the forms, shall disqualify the individual for benefits until requalified. To requalify for benefits after disqualification under this subsection, the individual shall work in and be paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

a. In determining whether or not any work is suitable for an individual, the department shall consider the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness, prior training, length of unemployment, and prospects for securing local work in the individual's customary occupation, the distance of the available work from the individual's residence, and any other factor which the department finds bears a reasonable relation to the purposes of this paragraph. Work is

suitable if the work meets all the other criteria of this paragraph and if the gross weekly wages for the work equal or exceed the following percentages of the individual's average weekly wage for insured work paid to the individual during that quarter of the individual's base period in which the individual's wages were highest:

- (1) One hundred percent, if the work is offered during the first five weeks of unemployment.
- (2) Seventy-five percent, if the work is offered during the sixth through the twelfth week of unemployment.
- (3) Seventy percent, if the work is offered during the thirteenth through the eighteenth week of unemployment.
- (4) Sixty-five percent, if the work is offered after the eighteenth week of unemployment.

However, the provisions of this paragraph shall not require an individual to accept employment below the federal minimum wage.

The evidence in the record establishes that the claimant was made a job offer at **LaQueed** as a general production worker on January 6, 2004. The wages offered were \$8.50 per hour. The claimant contended in part that she was not certain she could perform the job duties required at the facility, but she had previously worked as a production worker on numerous occasions and had subsequently held assignments from Northwest Services, Inc., with Energizer in Maryville, Missouri as a production worker.

The reason why the claimant did not accept the job offer was because of a lack of transportation.

The administrative law judge concludes that Lorraine M. Maedche refused to accept suitable work with Northwest Services, Inc., on January 6, 2004 within the intent and meaning of Iowa Code Section 96.5-3-a.

DECISION:

The unemployment insurance decision dated February 20, 2004, reference 03, is affirmed. Lorraine M. Maedche is not eligible to receive unemployment insurance benefits until such time as she has requalified under the provisions of the Iowa Employment Security Law.

kjf/b